

Message Text

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ORIGIN NEA-12

INFO OCT-01 ISO-00 L-03 PM-07 NSC-10 SPC-03 SS-20 RSC-01

CIAE-00 INR-10 NSAE-00 INRE-00 NSCE-00 SSO-00 OMB-01

SAJ-01 TRSE-00 ACDA-19 H-03 EB-11 PA-04 PRS-01 USIE-00

EUR-25 MC-02 AEC-11 /145 R

DRAFTED BY OP:614C:CDR RAGER/NJAG/10:LCDR KJOS:PR

APPROVED BY NEA/GRK:GTCHURCHILL

NEA/GRK:LRGEORGE

PM - COL. FLEMINGS (DRAFT)

L/PM:LGFIELDS (DRAFT)

ISA/NESA:C. QUINN (DRAFT)

ISA:FMRA:J. TERRY (DRAFT)

ISA:PP:CDR. TALBERT (DRAFT)

OSD; COUN:S HERO (DRAFT)

J-5: COL. FYE (INFO)

----- 109981

O R 152232Z JAN 74

FM SECSTATE WASHDC

TO AMEMBASSY ATHENS IMMEDIATE

CINCUSNAVEUR IMMEDIATE

INFO CNO

USCINCEUR

COMSIXTHFLT

COMNAVAIRLANT

COMFAIRMED

CHJUSMAAG ATHENS

JAG NAVY WASHDC

COMFAIRMEDREP ATHENS

NAVDET SOUDA BAY

CINCLANTFLT

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JOINT STATE/DEFENSE MESSAGE

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E.O. 11652: XGDS

TAGS: MARR, GR, US
SUBJECT: AMENDMENT OF SOUDA BAY AGREEMENT

REF:A) COMFAIRMEDREP 081045Z JAN 74 (NOTAL)

1. DEPARTMENT AND DOD HAVE REVIEWED THE PROPOSED COM-PROMISE SET FORTH IN REF A. COMMENT FOLLOWS:

A) ARTICLE 2 (PRINCIPAL USE)PARA 2. LAST SENTENCE:
ACCEPTABLE.

B) ARTICLE 6 (ADDITIONAL FACILITIES). NEW PARA 8:
PARA IS NOT CONSISTENT WITH THE MILITARY FACILITIES AGREE-
MENT (HEREAFTER MFA) AND IS, THEREFORE, NOT ACCEPTABLE.
ARTICLE VII, PARA 2 OF APPENDIX I OF THE MFA PROVIDES FOR
COMPENSATION FOR RESIDUAL VALUE OF FACILITIES ACQUIRED,
DEVELOPED AND CONSTRUCTED AT U.S. EXPENSE, ETC., WHEN
THE FACILITIES OR ANY PART THEREOF ARE NO LONGER NEEDED
BY THE MILITARY FORCES OF THE U.S. UNLESS THE FACILITIES
OR PARTS THEREOF ARE NOT USEFUL FOR PURPOSE OF OCCUPANCY,
SALE OR OTHERWISE BY THE GOG. IN LATTER CASE, THE
FACILITIES WOULD BE DEEMED TO HAVE NO RESIDUAL VALUE.
UNDER THIS ARTICLE, THE FACT THAT THE UNITED STATES

DECIDES TO WITHDRAW FROM USE OF THE FACILITIES AND IN-
STALLATIONS DOES NOT AFFECT THE ENTITLEMENT OF THE U.S.
TO COMPENSATION FOR RESIDUAL VALUE. IT SHOULD BE NOTED
THAT ARTICLE VII 2. INDICATES THAT THE METHOD FOR
TREATING THE RESIDUAL VALUE OF THE FACILITIES IS A MATTER
FOR NEGOTIATION BETWEEN THE TWO GOVERNMENTS. IF THE U.S.
WITHDRAWS FROM THE FACILITIES UNILATERALLY, USG WOULD NOT
PRESS COMPENSATION ISSUE AS STRENUOUSLY AS IT WOULD IF
GOG PRECIPITATED U.S. WITHDRAWAL. HOWEVER, GOG SHOULD
NOT GET A WINDFALL (FREE USE OR PROFIT FROM SALE) SIMPLY
BECAUSE U.S. DECIDES TO WITHDRAW. IT IS RECOMMENDED
THAT ARTICLE II, 3 OF MFA AND ARTICLE VII, 2 OF APPENDIX
I OF MFA BE DISCUSSED IN DETAIL WITH THE GREEKS STRESSING
THE POINTS MENTIONED HEREIN, ESPECIALLY THAT THE FACILITIES
HAVE NO RESIDUAL VALUE REQUIRING COMPENSATION UNLESS
THEY ARE USEFUL TO THE GOG AND THAT IN ANY CASE DETERMINA-
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TION OF AMOUNT OF RESIDUAL VALUE IS SUBJECT TO NEGOTIATIONS
BETWEEN THE CONTRACTING PARTIES.

C) ARTICLE 10 (TELECOMMUNICATIONS), PARA 4. UNI-
LATERAL SUSPENSION OF COMMUNICATIONS WOULD SERIOUSLY
DEROGATE FROM OPERATIONAL READINESS. FOR EXAMPLE, THIS
WOULD JEOPARDIZE OUR ABILITY TO MEET NATO COMMITMENTS IN
THE SOUTHERN FLANK AREA. INFORMAL ADVICE RECEIVED FROM

CINCUSNAVEUR STAFF ON 10 JAN 74 INDICATES GOG CONCERN REGARDING THIS PARAGRAPH DOES NOT RELATE TO TELECOMMUNICATION INTERFERENCE BUT RATHER STEMS FROM DESIRE TO TERMINATE USN TELECOMMUNICATION ACTIVITY AT SOUDA WHICH MIGHT BE CONSIDERED OBJECTIONABLE TO GOG IN TIME OF GREEK NATIONAL EMERGENCY. IN ESSENCE, GREEKS APPARENTLY CONCERNED ABOUT MESSAGE TRAFFIC WHICH MIGHT BE SENT FROM SOUDA CONCERNING THEIR DOMESTIC PROBLEMS. IN ANY CASE, WE ARE UNABLE TO AGREE TO PROVISION OF GREEK SUMMARY TERMINATION OF U.S. TELECOMMUNICATION ACTIVITIES. ACCORDINGLY, IT IS DESIRED THAT THIS PARAGRAPH BE DELETED. IF GOG PERSISTS IN INCLUSION OF PARAGRAPH, REQUEST CLEAR GOG STATEMENT OF REASONS FOR PROVISION.

D) ARTICLE 14 (DURATION). THE REQUESTED FALLBACK IS NOT ACCEPTABLE BECAUSE IT DOES NOT GUARANTEE A SUFFICIENT MINIMUM PERIOD OF USE TO JUSTIFY THE EXPENDITURE OF FUNDS NECESSARY FOR THE PLANNED EXPANSION. AS AN ACCEPTABLE FALL BACK POSITION, YOU MAY USE FOLLOWING FORMULATION: "THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF SIGNATURE AND SHALL CONTINUE IN FORCE FOR FIFTEEN YEARS OR THE DURATION OF THE NATO TREATY, WHICHEVER IS SHORTER, AND, UNLESS TERMINATED AT THAT TIME BY NOTICE OF EITHER GOVERNMENT GIVEN ONE YEAR EARLIER, THEREAFTER UNTIL ONE YEAR FROM THE DAY ON WHICH EITHER GOVERNMENT SHALL GIVE NOTICE OF ITS INTENTION TO TERMINATE THE AGREEMENT." AS WAS PREVIOUSLY STRESSED, WE STRONGLY PREFER DURATION OF AGREEMENT TO REMAIN CO-EXTENSIVE WITH NATO TREATY.

E) ARTICLE 2. PARA 9. GREEK PARAGRAPH IS ACCEPTABLE WITH ORAL UNDERSTANDING THAT DEPOTS COVERED BY THIS AGREEMENT ARE NOT SAME AS THOSE COVERED BY 1961 AGREEMENT
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FOR NATO INFRA STRUCTURE AMMUNITION DEPOTS. RUSH

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